

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF ARIZONA**

3 IN RE BARD IVC FILTERS
4 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

5 **AMENDED MASTER SHORT FORM**
6 **COMPLAINT FOR DAMAGES FOR**
7 **INDIVIDUAL CLAIMS AND JURY**
8 **DEMAND**

9 Plaintiff(s) named below, for their Complaint against Defendants named below,
10 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

11 Plaintiff(s) further show the Court as follows:

- 12 1. Plaintiff/Deceased Party:

13 Todd Scharrer (Plaintiff)

- 14 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
15 consortium claim:

16 N/A

- 17 3. Other Plaintiff and capacity (i.e. administrator, executor, guardian,
18 conservator):

19 N/A

- 20 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
21 the time of implant:

22 Wisconsin

- 23 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
24 the time of injury:

25 Wisconsin

- 26 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

27 Wisconsin

- 28 7. District Court and Division in which venue would be proper absent direct

filing:

U.S. District Court – Eastern District of Wisconsin (Milwaukee) Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

☐ Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is (are) making a claim (check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®] X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☒ Other: Bard

11. Date of implantation as to each product:

2012

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

- ☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☐ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☐ Count XIV: Violations of Applicable _____ (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

1 Date: May 31, 2019

2 Respectfully Submitted,

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4 **MARTIN BAUGHMAN, PLLC**

5
6 By: /s/ Ben C. Martin

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18 **JASON J. JOY & ASSOCIATES**

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CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of May, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Ben C. Martin

Ben C. Martin